

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MIGUEL MUNIZ-MUNOZ,

Petitioner,

v.

Case No. 18-CV-729

WILLIAM J. POLLARD,

Respondent.

ORDER LIFTING STAY AND ENTERING SCHEDULING ORDER

Miguel Muniz-Munoz filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 10, 2018. (Habeas Petition, Docket # 1.) Muniz-Munoz is currently serving a life sentence following his conviction for first-degree intentional homicide and first-degree recklessly endangering safety. (*Id.* at 2.) On June 27, 2018, I issued an order granting Muniz-Munoz's motion to stay and hold his petition in abeyance while he exhausted his state court remedies. (Docket # 13.) On December 12, 2019, the respondent informed the Court that the Wisconsin Supreme Court denied Muniz-Munoz's petition for review on December 10, 2019, completing his state court proceedings. (Docket # 22.) Given Muniz-Munoz's state court proceedings are now complete, I will lift the stay and enter the following scheduling order to facilitate resolution of the petition:

IT IS HEREBY ORDERED that the stay is lifted and the petition will proceed.

IT IS FURTHER ORDERED THAT the respondent is directed to serve and file an answer, motion, or other response to the petition, complying with Rule 5 of the Rules Governing Habeas Corpus Cases, within **SIXTY** (60) days of the date of this order.

IT IS FURTHER ORDERED THAT unless the respondent files a dispositive motion in lieu of an answer, the parties shall abide by the following schedule regarding the filing of briefs on the merits of the petitioner's claims:

1. The petitioner shall have forty-five (45) days following the filing of the respondent's answer within which to file his brief in support of his petition;
2. The respondent shall have forty-five (45) days following the filing of the petitioner's initial brief within which to file a brief in opposition; and
3. The petitioner shall have thirty (30) days following the filing of the respondent's opposition brief within which to file a reply brief, if any.

In the event that respondent files a dispositive motion and supporting brief in lieu of an answer, this briefing schedule will be suspended and the briefing schedule will be as follows:

4. The petitioner shall have forty-five (45) days following the filing of the respondent's dispositive motion and supporting initial brief within which to file a brief in opposition;
5. The respondent shall have thirty (30) days following the filing of the petitioner's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by the respondent must not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

Dated at Milwaukee, Wisconsin this 12th day of December, 2019.

BY THE COURT

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge